



# San Diego City Attorney **CASEY GWINN**

## **NEWS RELEASE**

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### **FIRST CITY IN THE STATE TO PASS “VEHICLE FORFEITURE” ORDINANCE! PUTTING THE BRAKES ON ILLEGAL STREET RACING** *SAN DIEGO CITY ATTORNEY PROPOSES NEW LAW; UNANIMOUS COUNCIL VOTE*

**San Diego, CA:** Illegal street racers were warned to stay out of the City of San Diego, unless they want to lose their wheels! Today a unanimous City Council adopted the Vehicle Forfeiture Ordinance—the first city in California to enact such a law. The tough city ordinance proposed by City Attorney Casey Gwinn authorizes law enforcement officials to permanently seize vehicles used in illegal speed contests or exhibitions of speed. “Our goal is that no one will die on city streets as a result of illegal street racing, a senseless crime. We are saving lives with every step we take against illegal street racing,” said City Attorney Gwinn. “This is the next step we now must take to make our streets safer for the public.”

A vehicle will be declared a nuisance and forfeited if the following three criteria are satisfied: (1) the vehicle is used in a race or exhibition of speed; (2) the driver or the passenger is the registered owner, or a member of the registered owner’s immediate family, or lives at the same address as the registered owner; and (3) the driver or passenger has a prior conviction for certain serious driving offenses such as reckless driving or evading officers.

“The weapon of choice for an illegal street racer is his or her vehicle,” said Chief of Police David Bejarano. “We take weapons every day from people who break the law. A vehicle that is confiscated will be less likely to cause the next tragic death from illegal street racing.”

In 2002, eight deaths and sixteen injuries were caused by illegal street racers on city streets. Law enforcement officials believe the new “Vehicle Forfeiture Ordinance,” which takes effect in 45 days, will serve as a major deterrent for illegal street racing. The ordinance is modeled after state law that authorizes forfeiture of vehicles driven by suspended, revoked and unlicensed drivers. “San Diego is leading the nation in addressing a preventable problem. Already we have virtually shut down illegal street racing in the city. I

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## Vehicle Forfeiture Ordinance Passes

support taking the next step in confiscating vehicles that are used for illegal activity,” said Councilmember Jim Madaffer.

As the City Council voted on the “Vehicle Forfeiture Ordinance,” a few blocks away the Superior Court was confronting the dangers of illegal street racing. Lawton Ferreria, who is accused of illegal street racing and killing a 20-year-old man, was arraigned today. Recently, George Waller, Jr. and Lawrence Calhoun, who are accused of killing two innocent teenagers while illegally street racing on October 6, 2002, were ordered to stand trial next month. “Illegal street races are killing innocent victims,” said Mayor Dick Murphy. “We can’t be *too* aggressive in enforcing this ordinance.”

The City Attorney’s Office prosecuted 147 illegal street racing cases in 1999, 161 in 2000, 290 in 2001 and 111 in 2002. In October 2000, the City of San Diego temporarily closed a street that had become a haven for illegal street racers; Trade Place was shut down on weekends from 9:00 in the evening to 5:00 in the morning. In 2001, the San Diego Police Department created the Drag-net unit and coupled with aggressive prosecution by the City Attorney’s Office the illegal street racing activity has decreased and lives have been saved.

Last October the City Council passed the emergency “Spectator Ordinance” which made it a misdemeanor to be a spectator at an illegal speed contest or an exhibition of speed, or where preparations are being made for those illegal activities. The last fatality related to illegal street racing on city streets occurred two days before Thanksgiving—two days before the Spectator Ordinance became law. Law enforcement officials say the “Spectator Ordinance” has reduced the numbers of racers and spectators who gather on city Streets for illegal street racing. Last month, San Diego Police arrested 14 people in Otay Mesa and more arrests are pending. Spectators who are prosecuted face six months in jail and/or a \$1000 fine.

In seconding the motion to adopt the Vehicle Forfeiture Ordinance, City Councilmember Charles Lewis was right to the point, “I want that pink slip. It will save lives.”

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